

**LISTING OF CLAIMS**

This listing will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) In a computerized device, a method for allowing a content subscriber to access presence information comprising:

receiving, from the content subscriber, a subscription request for the presence information;

inserting an address within a notification message in response to receiving the subscription request, the address relating to the presence information transmitted using a one-to-many transmission channel; and

transmitting the notification message to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to the presence information using the one-to-many transmission channel.

2. (Original) The method of claim 1 wherein the step of inserting further comprises inserting an address identifier within the notification message, the address identifier indicating the availability of the address within the notification message.

3. (Currently amended) The method of claim 1 wherein the step of inserting comprises inserting a plurality of addresses within the notification message, each of the plurality of addresses relating to the presence information transmitted using a corresponding one-to-many transmission channel.

4. (Currently amended) The method of claim 1 wherein the step of receiving comprises receiving a plurality of subscription requests for the presence information from a plurality of content subscribers and further comprising:

detecting a size characteristic of the plurality of content subscribers;

comparing the size characteristic to a threshold condition; and

when the size characteristic of the plurality of content subscribers is greater than the threshold condition, the step of transmitting comprises transmitting the notification

message to a portion of the content subscribers, the address of the notification message allowing the portion of the content subscribers to subscribe to the presence information using the one-to-many transmission channel.

5. (Currently amended) The method of claim 4 further comprising:

transmitting a nullify notification message to a content subscriber subscribed to the presence information using the one-to-many transmission channel, the nullify notification message having a one-to-one address relating to the presence information transmitted using a one-to-one transmission channel; and

receiving a second subscription request from the content subscriber for the presence information using the one-to-one transmission channel.

6. (Original) The method of claim 1 further comprising receiving an unsubscribe message from the content subscriber in response to transmitting the notification message, the unsubscribe message indicating unsubscription from a one-to-one transmission channel for reception of the presence information and subscription to the one-to-many transmission channel for reception of the presence information.

7. (Currently amended) The method of claim 1 wherein:

the step of inserting comprises inserting the address within the notification message in response to receiving the subscription request, the address relating to the presence information transmitted using a multicast transmission channel; and

the step of transmitting comprises transmitting the notification message to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to the presence information using the multicast transmission channel.

8. (Currently amended) A computerized device comprising:

at least one communications interface;

a controller; and

an interconnection mechanism coupling the at least one communications interface and the controller;

wherein the controller is configured to:

receive, from the content subscriber, a subscription request for presence information;

insert an address within a notification message in response to receiving the subscription request, the address relating to the presence information transmitted using a one-to-many transmission channel; and

transmit the notification message to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to the presence information using the one-to-many transmission channel.

9. (Original) The computerized device of claim 8 wherein the controller, when inserting, is configured to insert an address identifier within the notification message, the address identifier indicating the availability of the address within the notification message.

10. (Currently amended) The computerized device of claim 8 wherein the controller, when inserting, is configured to insert a plurality of addresses within the notification message, each of the plurality of addresses relating to the presence information transmitted using a corresponding one-to-many transmission channel.

11. (Currently amended) The computerized device of claim 8 wherein the controller, when receiving, is configured to receive, via the at least one communications interface, a plurality of subscription requests for the presence information from a plurality of content subscribers and wherein the controller is further configured to:

detect a size characteristic of the plurality of content subscribers;

compare the size characteristic to a threshold condition; and

when the size characteristic of the plurality of content subscribers is greater than the threshold condition, the controller, when transmitting, is configured to transmit, via the at least one communications interface, the notification message to a portion of the

content subscribers, the address of the notification message allowing the portion of the content subscribers to subscribe to the presence information using the one-to-many transmission channel.

12. (Currently amended) The computerized device of claim 11 wherein the controller is further configured to:

transmit, via the at least one communications interface, a nullify notification message to a content subscriber subscribed to the presence information using the one-to-many transmission channel the nullify notification message having a one-to-one address relating to the presence information transmitted using a one-to-one transmission channel; and

receive, via the at least one communications interface, a second subscription request from the content subscriber for the presence information using the one-to-one transmission channel.

13. (Original) The computerized device of claim 8 wherein the controller is further configured to receive an unsubscribe message from the content subscriber in response to transmitting the notification message, the unsubscribe message indicating unsubscription from a one-to-one transmission channel for reception of the presence information and subscription to the one-to-many transmission channel for reception of the presence information.

14. (Currently amended) The computerized device of claim 8 wherein the controller is configured to:

when inserting, insert the address within a notification message in response to receiving the subscription request, the address relating to the presence information transmitted using a multicast transmission channel; and

when transmitting, transmit the notification message to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to the presence information using the multicast transmission channel.

15. (Currently amended) A computer program product having a computer-readable medium including computer program logic encoded thereon that, when performed on a controller in a computerized device having a coupling to at least one communications interface provides a method for performing the operations of:

- receiving a subscription request, from the content subscriber, for presence information;

- inserting an address within a notification message in response to receiving the subscription request, the address relating to the presence information transmitted using a one-to-many transmission channel; and

- transmitting the notification message to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to the presence information using the one-to-many transmission channel.

16. (Currently amended) A computerized device comprising:

- at least one communications interface;

- a controller; and

- an interconnection mechanism coupling the at least one communications interface and the controller;

- wherein the computerized device is configured to allow a content subscriber to access presence information, such means including:

- means for receiving, from the content subscriber via the at least one communications interface, a subscription request for the presence information;

- means for inserting an address within a notification message in response to receiving the subscription request, the address relating to the presence information transmitted using a one-to-many transmission channel; and

- means for transmitting, via the at least one communications interface, the notification message to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to the presence information using the one-to-many transmission channel.

17. (Currently amended) In a content subscriber, a method for accessing presence information comprising:

- transmitting a first subscription request for the presence information to a computerized device;

- receiving, in response to transmitting the subscription request, a notification message from the computerized device, the notification message having an address relating to the presence information transmitted using a one-to-many transmission channel; and

- transmitting a second subscription request for the presence information using the one-to-many transmission channel.

18. (Currently amended) The method of claim 17 wherein the step of receiving further comprises receiving an address identifier within the notification message, the address identifier indicating the availability of the address within the notification message and further comprising:

- examining the address identifier;

- when identifying the address identifier in response to examining, utilizing the address to transmit the second subscription request for the presence information using the one-to-many transmission channel; and

- when not identifying the address identifier in response to examining, disregarding the address.

19. (Original) The method of claim 17 further comprising transmitting an unsubscribe message to the presence server in response to receiving the notification message, the unsubscribe message indicating unsubscription from a one-to-one transmission channel for reception of the presence information and subscription to the one-to-many transmission channel for reception of the presence information.

20. (Currently amended) The method of claim 17 wherein the step of receiving comprises receiving a notification message from the computerized device, the



notification message having a plurality of addresses, each of the plurality of addresses relating to the presence information transmitted using a corresponding one-to-many transmission channel and further comprising selecting a one-to-many transmission channel for reception of the presence information.

21. (Currently amended) The method of claim 17 wherein:

the step of receiving comprises receiving, in response to transmitting the subscription request, a notification message from the computerized device, the notification message having an address relating to the presence information transmitted using a multicast transmission channel; and

the step of transmitting a second subscription request comprises transmitting the second subscription request for the presence information using the multicast transmission channel.

22. (Currently amended) A content subscriber comprising:

at least one communications interface;

a controller; and

an interconnection mechanism coupling the at least one communications interface and the controller;

wherein the controller is configured to:

transmit, via the at least one communications interface, a first subscription request for presence information to a computerized device;

receive, via the at least one communications interface, in response to transmitting the subscription request, a notification message from the computerized device, the notification message having an address relating to the presence information transmitted using a one-to-many transmission channel; and

transmit, via the at least one communications interface, a second subscription request for the presence information using the one-to-many transmission channel.

23. (Currently amended) The content subscriber of claim 22 wherein the controller, when receiving, is further configured to receive, via the at least one communications interface, an address identifier within the notification message, the address identifier indicating the availability of the address within the notification message, computerized device further configured to:

    examine the address identifier;

    when identifying the address identifier in response to examining, utilize the address to transmit the second subscription request for the presence information using the one-to-many transmission channel; and

    when not identifying the address identifier in response to examining, disregard the address.

24. (Currently amended) The content subscriber of claim 22 wherein the controller, when receiving, is configured to receive, via the at least one communications interface, a notification message from the first computerized device, each of the plurality of addresses relating to the presence information transmitted using a corresponding one-to-many transmission channel and wherein the controller is further configured to select a one-to-many transmission channel for reception of the presence information.

25. (Original) The content subscriber of claim 22 wherein the controller is further configured to transmit an unsubscribe message to the presence server in response to receiving the notification message, the unsubscribe message indicating unsubscription from a one-to-one transmission channel for reception of the presence information and subscription to the one-to-many transmission channel for reception of the presence information.

26. (Currently amended) The content subscriber of claim 22 wherein the controller:

    when receiving, is configured to receive, in response to transmitting the subscription request, a notification message from the computerized device, the



notification message having an address relating to the presence information transmitted using a multicast transmission channel; and

when transmitting, is configured to transmit a second subscription request for presence information using the multicast transmission channel.

27. (Currently amended) A computer program product having a computer-readable medium including computer program logic encoded thereon that, when performed on a controller in a computerized device having a coupling to at least one communications interface provides a method for performing the operations of:

transmitting a first subscription request for the presence information to a computerized device;

receiving, in response to transmitting the subscription request, a notification message from the computerized device, the notification message having an address relating to presence information transmitted using a one-to-many transmission channel; and

transmitting a second subscription request for the presence information using the one-to-many transmission channel.

28. (Currently amended) A content subscriber comprising:

at least one communications interface;

a controller; and

an interconnection mechanism coupling the at least one communications interface and the controller;

wherein the computerized device is configured to produce a means for accessing presence information, such means including:

means for transmitting, via the at least one communications interface, a first subscription request for the presence information to a computerized device;

means for receiving, via the at least one communications interface and in response to transmitting the subscription request, a notification message from the

computerized device, the notification message having an address relating to the presence information transmitted using a one-to-many transmission channel; and

means for transmitting, via the at least one communications interface, a second subscription request for the presence information using the one-to-many transmission channel.

29. (Previously Presented) The method of claim 6 comprising:

tracking the number of content subscribers using one-to-one transmission channel and the number of content subscribers using one-to-many transmission channel based on the number of unsubscribe messages received; and

balancing distribution of presence information between the one-to-one transmission channel and the one-to-many transmission channel based on the number of content subscribers using each channel.

30. (Currently amended) The method of claim 17 wherein transmitting a first subscription request comprises:

transmitting a the first subscription request for presence information to a computerized device, wherein the first subscription request is a subscription request for updates on presence information.

31. (New) The method of claim 1 wherein each address within the notification message includes a tag indicating a particular communications protocol and wherein the content subscriber is configured to communicate according to the communications protocol identified by said tag such that multiple protocols are utilizable by a plurality of independently-implemented content subscribers.

32. (New) The computerized device of claim 8 wherein each address within the notification message includes a tag indicating a particular communications protocol and wherein the content subscriber is configured to communicate according to the communications protocol identified by said tag such that multiple protocols are utilizable by a plurality of independently-implemented content subscribers.

REMARKS

In response to the Office Action mailed on August 17, 2006, Applicant respectfully request reconsideration. Claims 1-32 are now pending in this Application. Claims 1, 8, 15, 16, 17, 22, 27 and 28 are independent claims and the remaining claims are dependent claims. In this Amendment, claim 1, 3-5, 7-8, 10-12, 14-18, 20-24, 26-28 and 30 have been amended and claims 31 and 32 have been added. A version of the claims containing markings to show the changes made is included hereinabove. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

The Examiner rejected claims 1-30 under 35 U.S.C. §112, second paragraph, as being indefinite, citing several instances of improper antecedent basis. The claims have been amended to correct this. Accordingly, the Examiners rejections under 35 U.S.C. §112, second paragraph have been rendered moot.

Claims 1, 3, 8, 10, 15-17, 20, 22, 24, 27-28 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication number 2004/0122901 to Sylvain (hereinafter Sylvain) in view of U.S. Patent Publication No. 2003/0217099 to Bobde (hereinafter Bobde). Applicant respectfully disagrees with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the Sylvain and/or Bobde references.

Sylvain discloses a method and apparatus for providing computer presence information to an integrated presence system. Bobde discloses a method and system for supporting the communication of presence information among computing devices of a network.

The Examiner stated that Sylvain does not disclose inserting an address within a notification message; the address relating to presence information transmitted using a one-to-many transmission channel. The Examiner then stated that Bobde teaches this at paragraphs 29-30. A careful review of both Sylvain and Bobde shows that neither Sylvain nor Bobde teach "the address relating to presence information transmitted using

a one-to-many transmission channel” as recited in claim 1. In Bobde the notify message contains a list of subscribers and their corresponding network address information, however there is no discussion about “the address of the notification message allowing the content subscriber to subscribe to the presence information using the one-to-many transmission channel.” Bobde thus teaches, as explained in the background of the present application at page 3, lines 5-17, that conventional systems such as Bobde utilize a one-to-one transmission to broadcast presence information to subscribers.

In contrast to Sylvain and Bobde, claim recites using a one-to-many transmission channel, as opposed to the one-to-one transmission of Sylvain and Bobde. Accordingly, since claim 1 recites using a one-to-many transmission channel for notifying a plurality of subscribers, while Sylvain and Bobde utilize a one-to-one transmission to notify multiple subscribers, claim 1 is believed allowable over Sylvain and Bobde. Claims 8, 15, 16, 17, 22, 27 and 28 contain similar language relating to the use of a one-to-many transmission channel, and are therefore believed allowable for the same reasons. Claims 3, 10, 20, 24 and 30 depend from claims 1, 8, 17 and 22 and are believed allowable as they depend from a base claim that is believed allowable. Accordingly, the rejection of claims 1, 3, 8, 10, 15-17, 20, 22, 24, 27-28 and 30 under 35 U.S.C. §103(a) as being unpatentable over Sylvain in view of Bobde is believed to have been overcome.

The Examiner rejected claims 2, 9, 18 and 23 under 35 U.S.C. §103(a) as being unpatentable over Sylvain and Bobde and further in view of U.S. Patent Publication 2004/0098491 to Costa-Requena et al. (hereinafter Costa). The Examiner also rejected claims 4-5 and 11-12 under 35 U.S.C. §103(a) as being unpatentable over Sylvain and Bobde and further in view of U.S. Patent Publication 2003/0115283 to Barbir et al. (hereinafter Barbir). The Examiner rejected claims 6, 13, 19 and 25 under 35 U.S.C. §103(a) as being unpatentable over Sylvain and Bobde and further in view of U.S. Patent No. 6,813,501 to Kinnunen et al. (hereinafter Kinnunen). The Examiner also stated that claims 7, 14, 21 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sylvain and Bobde and further in view of “Official Notice”. Applicants

respectfully disagree with the Examiner's assertion. It is well established in patent law that the test of obviousness is not whether the prior art can be modified to produce the claimed invention, since under such a test all inventions would be obvious. Panduit Corporation v. Dennison Manufacturing Co. 8710 F.2d 1561, 1574-75 (Fed. Cir. 1987). There is no reason to combine the references absent the hindsight afforded by the claimed invention. Claim 29 was rejected as being unpatentable over Sylvain, Bobde, Kinnunen and further in view of U.S. Patent Publication No. 2004/015608 to Freidman. Claims 2, 9, 18, 23, 4, 5, 11-12, 6, 13, 19, 25, 14, 21, 26, 7, 14 and 29 depend from claims 1, 8, 15, 16, 17 or 22 and are believed allowable as they depend from a base claim which is believed allowable.

Claims 31 and 32 have added. Support for claims 31 and 32 can be found throughout the specification as filed, for example at page 5, lines 7-21. The prior art of record fails to disclose or suggest the elements of claims 31 and 32. Applicants submit that no new matter has been added by the addition of claims 31 and 32.

The prior art made of record and not relied on is not believed to disclose or suggest the present invention.

In view of the above, the Examiner's objections and rejections are believed to have been overcome placing claims 1-32 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

Applicant hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



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